

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 96-099-C - ORDER NO. 96-628
SEPTEMBER 10, 1996

[Handwritten signature]

IN RE: Application of BellSouth Telecommunica-) ORDER
tions, Inc. for a Certificate of Public) GRANTING
Convenience and Necessity to Provide) AUTHORITY
Intrastate Public Telephone Service.)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of BellSouth Telecommunications, Inc. (BellSouth or the Company) for a Certificate of Public Convenience and Necessity to provide intrastate Public Telephone Service and Inmate Communications Services.

The Commission's Executive Director ordered the Company to publish, one time, a Notice of Filing in newspapers of general circulation in the area in which the service would be utilized. BellSouth furnished affidavits showing that the Executive Director's order had been carried out. Petitions to Intervene were received from the South Carolina Public Communications Association (SCPCA), the South Carolina Telephone Coalition (SCTC), and AT&T Communications of the Southern States, Inc. (AT&T). Prior to a hearing in this matter, BellSouth entered into Stipulations with all Intervenors.

BellSouth requests permission to resell intrastate Public Telephone Services and to provide Inmate Communications Services pursuant to S. C. Code Ann. §58-9-520 (1976), and the Rules and Regulations of the Commission.

As a provider of Public Telephone Services, BellSouth will provide service over local exchange carrier (LEC) facilities and facilities leased from other carriers. The selection will be based upon BellSouth's analysis of facility cost suitability and quality of service. The Company requests that to the extent the Certificate of Public Convenience and Necessity is required in order for BellSouth to provide Inmate Communications Services, and that waivers of the South Carolina COCOT Guidelines are required to meet the needs of inmate facility administrators, BellSouth requests that such certificate and waivers be granted. BellSouth states that approval of its Petition will serve the public interest by enhancing competition within the State of South Carolina, and providing new calling options to consumers throughout the State.

BellSouth entered into Stipulations with SCPCA, SCTC, and AT&T. The Stipulation with SCPCA attached hereto as Attachment #1 provided for various safeguards, as did the Stipulation with SCTC attached hereto as Attachment #2, and the Stipulation with AT&T, attached hereto as Attachment #3.

We have examined the terms of all Stipulations, find them to be fair and reasonable under the circumstances, and agree that they should be adopted as a portion of the Order as a condition

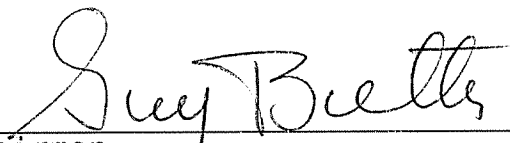
for granting authority to BellSouth to provide the requested services.

This request is related to that authority approved under Order No. 95-1614, wherein certain similar safeguards were laid out.

Upon a review of the full record, we believe that the Application as filed by BellSouth is reasonable and in the public interest, and is hereby approved, along with the contents of the Stipulations between BellSouth and SCPCA, BellSouth and SCTC, and BellSouth and AT&T. We believe that BellSouth is well qualified to provide the services, but that the safeguards as described in the Stipulations should also be put into place. Further, the Commission believes that the COCOT, Operator Service, and Inmate Service Guidelines as established by this Commission should apply herein to these services. The hearing previously scheduled in this matter is hereby cancelled.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 96-099-C

POSTED
8/28/96

S. C. PUBLIC SERVICE COMMISSION
RECEIVED
AUG 28 1996

ACCEPTED
Legal 8/28/96

In Re:)
)
Application of BellSouth)
Telecommunications, Inc.)
d/b/a Southern Bell)
Telephone and Telegraph)
Company For a Certificate)
of Public Convenience)
and Necessity to Provide)
Intrastate Public Telephone)
Services)

STIPULATION
S. C. PUBLIC SERVICE COMMISSION
RECEIVED
AUG 28 1996
UTILITIES DEPARTMENT

WHEREAS, BellSouth Telecommunications, Inc. ("BellSouth") initiated the above-referenced docket in order to request authority to provide intrastate public telephone service and inmate telephone service; and

WHEREAS, the South Carolina Public Communications Association ("SCPCA") membership consists of independent public payphone providers ("IPPs") (referred to by certain South Carolina orders and tariffs as COCOTs) providing service in South Carolina, who have an interest in this docket.

WHEREAS, the SCPCA and BellSouth have reached the following agreement in order to avoid an intervention by the SCPCA in this docket:

NOW, THEREFORE, the SCPCA and BellSouth hereby agree and stipulate as follows:

1. BellSouth will abide by all applicable provisions of the Telecommunications Act of 1996 as amended and with all regulations promulgated thereunder.

2. BellSouth will purchase its access lines to provide the subject public and inmate telephone service from an authorized local service provider ("LEC") serving the local service area in which each payphone is located, in accordance with the applicable South Carolina Public Service Commission ("Commission") Rules, Regulations and COCOT Guidelines. BellSouth must purchase these COCOT access lines from the local service provider pursuant to the same terms and conditions that the local service provider makes COCOT lines available to its other independent payphone customers.

3. BellSouth shall not subsidize its payphone or inmate service directly or indirectly from its telephone exchange service operations or its exchange access operations; and shall not prefer or discriminate in favor of its payphone or inmate telephone service with regard to BellSouth's local exchange or long distance services. BellSouth agrees to treat the entire subject public and inmate telephone service operations as unregulated activity under Part 64 of the FCC rules, unless the FCC promulgates

rules that are inconsistent with all or part of Part 64, in which case the newly promulgated rules shall apply.

4. Until the FCC prescribes regulations pursuant to section 276 of the Telecommunications Act of 1996, if BellSouth offers inmate or public telephone services to its unregulated affiliated enhanced service providers within any of BellSouth's local franchise areas, such services must also be offered to unaffiliated enhanced service providers on a non-discriminatory basis, consistent with the FCC's requirements set forth in Computer III Remand Proceeding: Bell Operating Company Safeguards and Tier 1 Local Exchange Company Safeguards, 6 FCC Rcd 7571, 7576-7638 (1991). Following the FCC's prescription of regulations pursuant to section 276 of the Telecommunications Act of 1996, this paragraph shall have no effect and such regulations shall apply.

5. BellSouth may utilize carriers other than the LEC for intraLATA calling.

6. In the provision of the subject payphone or inmate telephone services, BellSouth will be bound by the Commission's applicable guidelines, rules and regulations that any COCOT and/or Operator Service Provider and/or Inmate Telephone Service Provider must follow.

7. In the provision of payphone or inmate telephone services, BellSouth is prohibited from accepting

preferential treatment from local service providers that may result in any competitive or financial advantage to BellSouth unless such treatment is authorized by the terms and conditions of the local service provider's tariff. BellSouth, however, will not accept any service under a local service provider's tariff or a special service arrangement with the local service provider unless the local service provider also makes such services available to other independent payphone providers. The provisions of this paragraph apply to any local exchange service provided to BellSouth, including the location of equipment necessary to provide the subject public or inmate telephone service and the co-location of BellSouth equipment with the LEC central office.

8. The authority requested by BellSouth in this application and the terms of this stipulation (with the exception of Paragraph 4, which applies within any of BellSouth's local franchise areas) are limited to the provision of inmate and pay telephone services within South Carolina but outside of BellSouth's local franchise areas.

9. Any interested party shall have the right to petition the South Carolina Public Service Commission to enforce the terms of this stipulation.

10. The parties agree to immediately submit this stipulation to the South Carolina Public Service Commission

for approval. The parties request that each of the terms of this stipulation be incorporated into any order issued by the Commission approving BellSouth's application in this proceeding.

Agreed to this 26th day of August, 1996.

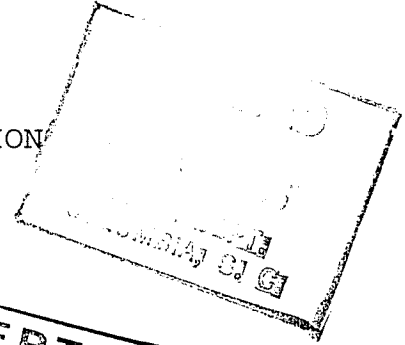
South Carolina Public
Communications Ass'n

BellSouth Telecommunications,
Inc.

By: John F. Beach By: Patrick Turner
Its Agent and Attorney Its Agent and Attorney

POSTED
 8/29/96

BEFORE THE
 PUBLIC SERVICE COMMISSION
 OF SOUTH CAROLINA
 DOCKET NO. 96-099-C



In Re:

Application of BellSouth
 Telecommunications, Inc.
 d/b/a Southern Bell
 Telephone and Telegraph
 Company ("Southern Bell")
 For a Certificate of Public
 Convenience and Necessity
 to Provide Intrastate Public
 Telephone Services

ACCEPTED
 Legal 7038-28-96

STIPULATION AGREEMENT

S. C. PUBLIC SERVICE COMMISSION

RECEIVED
 AUG 26 1996
RECEIVED

BellSouth and the South Carolina Telephone
 Coalition ("SCTC") hereby enter into the following
 stipulations. As a consequence of the stipulated
 commitments and clarifications, SCTC's concerns regarding
 BellSouth's applications are alleviated, its questions
 answered, and the necessity for intervention avoided.
 BellSouth and SCTC agree and stipulate as follows:

1. BellSouth will complete calls consistent with
 and in the manner prescribed by South Carolina Public
 Service Commission Orders No. 92-511 in Docket No. 91-040-C
 as subsequently revised (establishing the application form
 and Commission Guidelines for COCOTS) and No. 95-1614 in
 Docket No. 95-1122-C as subsequently revised (imposing
 safeguards on BellSouth's provision of inmate and COCOT

RECEIVED
 PUBLIC SERVICE COMMISSION
 AUG 29 1996
RECEIVED
 UTILITIES DEPARTMENT

service outside its current South Carolina local service areas).

2. Notwithstanding this Stipulation Agreement, neither BellSouth nor SCTC waives any of their respective rights under any federal or state statute, rule, regulation, or order enacted, promulgated, or issued after the date of this Stipulation Agreement.

AGREED AND STIPULATED to this ____ day of August, 1996.

BELLSOUTH
TELECOMMUNICATIONS, INC.

By: Patrick W. Turner
Patrick W. Turner
1600 Hampton Street
Suite 821
Columbia, SC 29201
(803) 748-8777

Attorney for Applicant

SOUTH CAROLINA TELEPHONE
COALITION.

By: M. John Bowen, Jr.
M. John Bowen, Jr.
Margaret M. Fox
Post Office Box 11390
Columbia, SC 29211
(803) 799-9800

Attorney for SCTC

POSTED
8596a

ATTACHMENT #3

S.C. PUBLIC SERVICE COMMISSION

RECEIVED
AUG 2 1996

ACCEPTED
Legal 8-5-96

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO.96-099-C

In Re:

Application of BellSouth
Telecommunications, Inc.
d/b/a Southern Bell
Telephone and Telegraph
Company ("Southern Bell)
For a Certificate of Public
Convenience and Necessity
to Provide Intrastate Public
Telephone Services

STIPULATION AGREEMENT

S. C. PUBLIC SERVICE COMMISSION
RECEIVED
AUG 5 1996
UTILITIES DEPARTMENT

BellSouth and AT&T Communications of Southern
States, Inc. ("AT&T") hereby enter into the following
stipulations. As a consequence of the stipulated
commitments and clarifications, AT&T's concerns regarding
BellSouth's applications are alleviated, its questions
answered, and the necessity for intervention avoided.
BellSouth and AT&T agree and stipulate as follows:

1. BellSouth will not attempt to complete
interLATA calls over BellSouth's network nor resell an
interexchange carrier's services through its intrastate
public telephone service network until the FCC issues a
written determination approving BellSouth's application to
provide interLATA services pursuant to the requirements of
the 1996 Telecommunications Act.

2. BellSouth will complete calls consistent with
and in the manner prescribed by SCPSC Order No. 92-511,
Docket No. 91-040-C, dated August 26, 1992, as subsequently
revised.

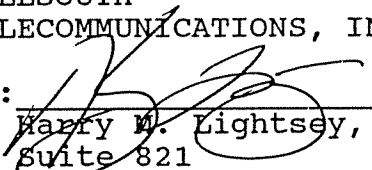
3. The provisions of paragraph 4 of BellSouth's Amended Application dated May 13, 1996, do not affect the rights of the premises owner to select the payphone provider utilizing his/her premises or the premises owner's right to select the presubscribed long distance carrier providing services to the payphone(s) installed at such premises. Notwithstanding this Stipulation Agreement, however, neither BellSouth nor AT&T waives any of their respective rights under any federal or state statute, rule, regulation, or order enacted, promulgated, or issued after the date of this Stipulation Agreement.

4. To the extent that any federal or state statute, rule, regulation, or order is inconsistent with the terms of this stipulation, such statute, rule, regulation, or order shall apply.

AGREED AND STIPULATED to this 28th day of July, 1996.

BELLSOUTH
TELECOMMUNICATIONS, INC.

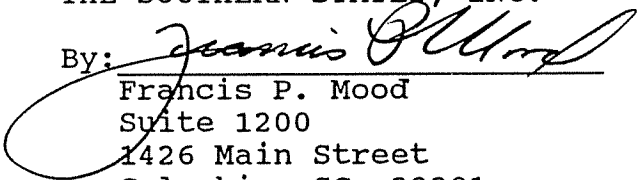
By:


Harry M. Lightsey, III
Suite 821
1600 Hampton Street
Columbia, SC 29201

Attorney for Applicant

AT&T COMMUNICATIONS OF
THE SOUTHERN STATES, INC.

By:


Francis P. Mood
Suite 1200
1426 Main Street
Columbia, SC 29201

Attorney for AT&T